UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARCIA BURRELL, CARMEN EDWARDS, JANAY STEPHENS, AND MARIA PEREZ

Plaintiffs,

v.

Case No. 2:16-cv-10568
Hon. George Carem Steeh

MGM GRAND CASINO DETROIT, a Michigan Corporation, MGM RESORTS INTERNATIONAL, PARTNERS DETROIT LLC, DANIEL HILANKA, in his individual capacity, EVE MARSTON, in her individual capacity, UNNAMED MGM DETROIT SURVEILLANCE OPERATOR, in his individual capacity, MICHIGAN GAMING CONTROL BOARD

Defendants.
____/

DEFENDANT MGM RESORTS INTERNATIONAL'S *REPLY* IN SUPPORT OF ITS MOTION TO DISMISS FOR IMPROPER SERVICE OF PROCESS AND LACK OF PERSONAL JURISDICTION [DKT 15]

BUTZEL LONG, a professional corporation

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On June 26, 2016, this Court entered an order for Plaintiffs' to Show Cause as to why the named defendants had not been served. [Dkt 3]. On July 18, 2016, this Court dismissed that Show Cause and ordered that "plaintiffs serve all defendants on or before August 10, 2016." [Dkt 12]. Plaintiffs had filed a return of service indicating that Defendant MGM Resorts International (MRI) had been served when, in fact, that was not correct. As a result, on July 26, 2016, MRI filed a limited appearance, along with a Motion to Dismiss, setting forth the fact that MRI must be dismissed for failure to serve and lack of personal jurisdiction. [Dkt. 15].

On July 28, 2015, this Court ordered Plaintiffs to file a Response brief by August 26, 2016. [Dkt. 17]. Plaintiff, however, has failed to respond to Defendant MRI's Motion. The failure to oppose a motion to dismiss constitutes a waiver of any arguments opposing the motion. *Humphrey v. U.S. Attorney Gen.'s Office*, 279 F. App'x 328, 331 (6th Cir. 2008), *citing Resnick v. Patton,* 258 Fed.Appx. 789, 790–91, n. 1 (6th Cir.2007) (citation deleted); *Scott v. State of Tennessee,* 878 F.2d 382, 1989 WL 72470, at *2 (6th Cir.1989) (affirming district court's grant of defendants' unopposed motion to dismiss and noting that "if a plaintiff fails to respond or to otherwise oppose a defendant's motion, then the district court may deem the plaintiff to have waived opposition to the motion.

MRI's motion is unopposed and must be granted and Plaintiffs' claims dismissed with prejudice for lack of personal jurisdiction. Moreover, because it is undisputed that MRI was not served by August 10, 2016, as ordered by this Court in its July 18, 2016 order, MRI must also be dismissed with prejudice based on Plaintiffs' continued failure to prosecute.[1]

Respectfully submitted,

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Dated: September 16, 2016

[1] In fact, Plaintiffs have failed to serve Defendant Partners Detroit, LLC as well as individual defendants Marston and "Unnamed Surveillance Operator" as ordered. No return of service documents appear on the docket.

CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2016, I electronically filed the foregoing REPLY IN SUPPORT OF MOTION TO DISMISS FOR IMPROPER SERVICE OF PROCESS with the Clerk of the Court using the ECF system, which will send notification of such filing to counsel of record.

/s/ Brett J. Miller
Brett J. Miller

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